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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,536	03/01/2004	Tony J. Tewell	ECCO115	2744

7590 10/26/2005
HOLLAND & THIEL, P.C.
PO Box 1840
Boise, ID 83701-1840

EXAMINER

NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/790,536	Applicant(s) TEWELL ET AL.	
	Examiner HUNG T. NGUYEN	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/1/04 & 10/7/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Examiner made an mistake as restriction / election is mailed out to the applicant on Sept. 10, 2005 as an independent claim 19 should NOT belong to Group II, it must be belonged to Group I, claims 1-10 as it recite an audible alert device includes a pulse width modulated signal generator because Group II, claims 11-18 drawn to program / set up memory device.

Therefore, the examiner considers claims 11-18 ONLY as applicant elected Group II on Oct. 7, 2005. Examiner would appreciate applicant for understanding those problem as explained and also applicant must cancel claims 1-10 & 19 in the next office action if the application is allowed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11 & 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hornung (U.S. 4,275,388) in view of Rostoker et al. (U.S. 5,780,928).

Regarding claim 11, Hornung discloses a method for manufacturing an audible alert device [fig.1, col.3, line 61 to col.4, line 8 and lines 44-51] comprising:

- a controller in a form of microprocessor (52) for programming sequence instructions into a memory device [figs.1-2, col.3, line 61 to col.4, line 8 and lines 44-68, col.5, line 20-44 and col.5, line 65 to col.6, line 9];
- connecting the microprocessor (52) to transducer (12) for programming [figs.1-2, 5, col.4, lines 4-8 and lines 44-68, col.5, line 20-44, col.5, line 65 to col.6, line 9 and col.8, lines 37-42];
- installing the microprocessor (52), transducer (12) and other semiconductors device as driver (24) to a housing is inherently [figs.1-2, 5, col.4, lines 4-8 and lines 44-68, col.5, line 20-44, col.5, line 65 to col.6, line 9 and col.8, lines 37-42].

The reference of Hornung does not specifically mention the circuit in a sealing fluid as claimed by the applicant.

However, Rostoker does teach an electronic system having semiconductor device assembly (package) into the fluid and sealing the cavity [col.2, lines 39-53 and abstract].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the teaching of Rostoker in the system of Hornung for improving and transmitting data over one or more conductors that connect to the circuit and performing the same function as desired.

Regarding claims 13-18, Hornung discloses the microprocessor (52) may program sequence instructions into the memory device from an input device [figs.1-2, col.3, line 61 to col.4, line 8 and lines 44-68, col.5, line 20-44 and col.5, line 65 to col.6, line 9];

- connecting the microprocessor (52) to the transducer (12) for programming [figs.1-2, 5, col.4, lines 4-8 and lines 44-68, col.5, line 20-44, col.5, line 65 to col.6, line 9 and col.8, lines 37-42];
- the microprocessor (52) connected to the transducer (12) for programming with multi of steps (90,92,94,96) [figs.1-2, 5, col.5, lines 20-44, col.5, line 65 to col.6, line 9, col.7, line 35 to col.8, line 42].

Allowable Subject Matter

4. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

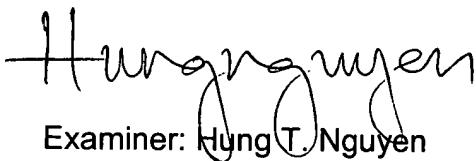
- Leith (U.S. 6,339,368) Circuit for automatically driving mechanical device at its resonance frequency.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

HUNG NGUYEN
PRIMARY EXAMINER



Examiner: Hung T. Nguyen

Date: Oct. 24, 2005